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Attorneys for Judgment Creditors Erica and Joseph Vago

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION

In re:

LESLIE KLEIN,

Debtor and Debtor in Possession,

Case No. 2:23-bk-10990-SK

Chapter 11 Proceeding

**DECLARATION OF BRIAN PROCEL
IN SUPPORT OF MOTION FOR
ORDER DISMISSING DEBTOR'S
CHAPTER 11 BANKRUPTCY CASE**

Date: May 17, 2023
Time: 9:00 a.m.
Place: Courtroom 1575
U.S. Bankruptcy Court
255 E. Temple Street
Los Angeles, CA 90012

DECLARATION OF BRIAN PROCEL

1
2 1. I am Brian Procel, co-counsel for Creditors Erica and Joe Vago (collectively, the
3 “Vagos”) in this action. I am competent to testify herein, have personal knowledge of the
4 following facts and make this declaration in support thereof.

5 2. I served as trial counsel for the Vagos in their lawsuit against debtor Leslie Klein
6 (“Debtor”) in Los Angeles Superior Court, *Vago v. Klein*. On February 21, 2023, on behalf of the
7 Vagos, I filed in *Vago v. Klein* an *ex parte* application to have a receiver appointed over Debtor,
8 which was set to be heard on February 23, 2023. Also on February 21, 2023, I notified Debtor’s
9 trial counsel in *Vago v. Klein*, Jeffrey A. Slott, of the *ex parte* application and the hearing. He
10 represented to me that he did not intend to file an opposition, and that Debtor might be appearing
11 on his own behalf. A true and correct copy of my February 21, 2023 email confirming this
12 conversation is attached hereto as **Exhibit 1**.

13 3. Near midnight on February 22, 2023, nine hours before the receivership application
14 was to be heard, I was emailed a copy of Debtor’s Chapter 11 petition by Debtor’s bankruptcy
15 counsel, Eric Olson, with a message that included “IN LIGHT OF THE BK FILING, I URGE
16 YOU TO WITHDRAW THIS APPLICATION” (original capitalization). A true and correct copy
17 of Mr. Olson’s February 21, 2023 email (without attachments) is attached hereto as **Exhibit 2**.
18 When the court opened the following morning on February 23, 2023, I promptly notified the court
19 that the Vagos’ *ex parte* application was being withdrawn in light of the automatic stay.

20 4. On February 1, 2023—three weeks before he filed the instant Chapter 11 petition—
21 Debtor filed a notice of appeal from the \$24.5 million judgment in *Vago v. Klein*, a true and
22 correct copy of which is attached hereto as **Exhibit 3**. I have never seen any indication that Debtor
23 filed or attempted to file a supersedeas bond to stay enforcement of the judgment pending appeal.

24 5. The Court of Appeals’ online case status platform for Debtor’s appeal from the
25 judgment in *Vago v. Klein* indicated that, as of April 4, 2023, “[a]ll proceedings before this court
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1 have been stayed pending determination of the proceedings before the bankruptcy court.” A true
2 and correct copy of that case status page is attached hereto as **Exhibit 4**.

3 6. Nevertheless, on April 7, 2023, Debtor’s bankruptcy counsel, Eric Olson, served
4 me with Appellant’s Notice Designated Record on Appeal on behalf of Debtor, a true and correct
5 copy of which is attached hereto as **Exhibit 5**.

6 7. On March 13, 2023, I telephonically attended the initial meeting of creditors in this
7 matter pursuant to 11 U.S.C. § 341, at which Debtor gave testimony. Debtor made a number of
8 admissions during his testimony. He admitted that he intended to liquidate various real properties
9 in the bankruptcy estate to fund his appeal of the judgment against him in *Vago v. Klein*. He
10 admitted that his plan of reorganization would be premised on winning his appeal in *Vago v.*
11 *Klein*, as well as apparently suing the Menlo family (who were actually *his* victims in yet another
12 fraudulent scheme of his) for upwards of \$5 million. And he admitted that he has fallen behind on
13 the mortgages for certain rental properties by as much as two years, while at the same time
14 continuing to collect rents on the same properties.

15
16 I declare under penalty of perjury according to the laws of the United States that the
17 foregoing is true and correct and that this declaration was signed by me on April 20, 2023 in
18 Katmandu, Nepal.

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Brian Procel

EXHIBIT 1

EXHIBIT 1

Klein

brian procel <brian@procel-law.com>

Tue 2/21/2023 4:13 PM

To: Jeffrey Slott <jslott@aol.com>

Cc: Martin Pritikin <marty@procel-law.com>

Jeff:

Thanks for the call today. This will confirm that you agreed to accept service of the ex parte papers and that you are aware the hearing was moved to Thursday at 8:30 am in Department 14.

You indicated that you do not intend to file an opposition and that Klein may appear on his own behalf.

Please let me know if I stated anything incorrectly.

-Brian

Procel Law, PC
401 Wilshire Boulevard
12th Floor
Santa Monica, California 90401
(424) 788-4538

EXHIBIT 2

EXHIBIT 2

EX PARTE HEARING VAGO V. KLEIN 2/23/23 8:30 IN D. 14

Eric Olson <eoesq@boldlaw.com>

Wed 2/22/2023 11:21 PM

To: brian procel <brian@procel-law.com>; Martin Pritikin <marty@procel-law.com>

Cc: Jeffrey A Slott <jslott@aol.com>

 2 attachments (703 KB)

KLEIN - NOT OF STAY OF PROCEEDINGS.pdf; Klein - vago - opp ex parte(final).pdf;

External (eoesq@boldlaw.com)

[Report This Email](#) [FAQ](#) [GoDaddy Advanced Email Security](#), Powered by INKY

COUNSEL - SEE ENCLOSED NOTICE OF STAY OF PROCEEDINGS AND OPPOSITION
TO EX PARTE

IN LIGHT OF THE BK FILING, I URGE YOU TO WITHDRAW THIS APPLICATION.

I WILL APPEAR REMOTELY TOMORROW MORNING.

Eric Olson
Baker, Olson, LeCroy & Danielian
100 W. Broadway #990
Glendale, CA 91210
t: 818 502 5600
c: 626 224 5619
eoesq@boldlaw.com
www.boldlaw.com

EXHIBIT 3

EXHIBIT 3

APP-002

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: SBN 103807		FOR COURT USE ONLY
NAME: Jeffrey A Slott, Esq.		
FIRM NAME: Law Offices of Jeffrey A. Slott, APC		
STREET ADDRESS: 15760 Ventura Blvd. #700		
CITY: Encino	STATE: CA ZIP CODE: 91436	
TELEPHONE NO.: (818) 995-1955	FAX NO.: (818) 995-0955	
E-MAIL ADDRESS: jslott@aol.com		
ATTORNEY FOR (name): Leslie Klein and Les Klein & Associates, Inc.		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles		
STREET ADDRESS: 111 North Hill Street		
MAILING ADDRESS: same as above		
CITY AND ZIP CODE: Los Angeles 90012		
BRANCH NAME: Stanley Mosk Courthouse		
PLAINTIFF/PETITIONER: Erica Vago and Joseph Vago		
DEFENDANT/RESPONDENT: Leslie Klein and Les Klein & Associates, Inc.		
<input checked="" type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> CROSS-APPEAL (UNLIMITED CIVIL CASE)		CASE NUMBER: 20STCV25050

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.

1. NOTICE IS HEREBY GIVEN that (name): **Leslie Klein and Les Klein & Associates, Inc.**
appeals from the following judgment or order in this case, which was entered on (date): **December 2, 2022**
- ☒ Judgment after jury trial
☐ Judgment after court trial
☐ Default judgment
☐ Judgment after an order granting a summary judgment motion
☐ Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430
☐ Judgment of dismissal after an order sustaining a demurrer
☐ An order after judgment under Code of Civil Procedure, § 904.1(a)(2)
☐ An order or judgment under Code of Civil Procedure, § 904.1(a)(3)-(13)
☐ Other (describe and specify code section that authorizes this appeal):
2. For cross-appeals only:
- a. Date notice of appeal was filed in original appeal:
- b. Date superior court clerk mailed notice of original appeal:
- c. Court of Appeal case number (if known):

Date: **February 1, 2023**

Jeffrey A Slott, Esq.

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

PROOF OF SERVICE

Erica Vago, et al. vs. Leslie Klein, et al.
LASC Case No.: 20STCV25050

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 15760 Ventura Boulevard, Suite 1600, Encino, California 91436.

On **February 1, 2023** I served true copies of the following document described as **NOTICE OF APPEAL** on the interested parties in this action as follows:

Brian A. Procel, Esq.
Procel Law, PC
401 Wilshire Blvd., Floor 12
Santa Monica, CA 90401-1456
Phone: 424-788-4538
Email: brian@procel-law.com
Attorneys for Plaintiffs, JOSEH VAGO and ERICA VAGO

☐ **BY U.S. MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Encino, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

☒ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused the document(s) listed to be sent from e-mail address jslott@aol.com to the person(s) at the e-mail address(es) listed on the service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **February 1, 2023** at Encino, California.


DEBBIE GONZALES

EXHIBIT 4

EXHIBIT 4

Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

Welcome

Search

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Calendar

Help

Opinions

2nd Appellate District

Change court 

Case Summary	Docket	Briefs	Scheduled Actions
Disposition	Parties and Attorneys	Trial Court	

Docket (Register of Actions)

Vago et al. v. Klein et al. ****MATTER STAYED****
Division p
Case Number B327011

Date	Description	Notes
03/08/2023	Notice of appeal lodged/received.	Feb. 1, 2023: Leslie Klein, et al.
03/08/2023	Default notice sent-appellant notified per rule 8.100(c).	No fee rcvd
03/15/2023	Filing fee.	\$775 filing fee paid.
03/24/2023	Default notice sent; no case information statement filed, or statement incomplete.	Appellant (Feb. 1, 2023: Leslie Klein, et al.) is in default for failure to file a Case Information Statement pursuant to California Rules of Court, Rule 8.100(g).
03/28/2023	Substitution of attorneys filed for:	Leslie Klein and Les Klein & Associates, Inc. Jeffrey A. Slott substituted and replaced by Benedon & Serlin, LLP (Gerald M. Serlin & Mark Schaeffer).
04/03/2023	Civil case information statement filed.	Defendant and Appellant: Leslie Klein Attorney: Gerald M. Serlin
04/03/2023	Filed document entitled:	Notice of Bankruptcy Case Filing
04/04/2023	Bankruptcy proceedings filed - matter stayed.	All proceedings before this court have been stayed pending determination of the proceedings before the bankruptcy court. Though you may not be directly involved with the bankruptcy proceedings, it is still your responsibility to keep this court advised of the status of the proceedings. All update letters must be served on opposing counsel and filed with this Court. Appellant is directed to file status letters with this court beginning on October 2, 2023 and every 90 days thereafter. Failure to timely file these letters WILL be viewed as an abandonment of the appeal.
04/07/2023	Association of attorneys filed for:	Firm of E J Olson Law associated in as co-counsel of record for appellant.

[Click here](#) to request automatic e-mail notifications about this case.

EXHIBIT 5

EXHIBIT 5

CASE NAME: VAGO v. KLEIN	SUPERIOR COURT CASE NUMBER: 20STCV25050
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2. b. ☒ WITH the following record of the oral proceedings in the superior court (*you must check (1), (2), or (3) below*):
- (1) ☒ A reporter's transcript under rule 8.130. (*You must fill out the reporter's transcript section (item 5) on pages 3 and 4 of this form.*) I have (*check all that apply*):
- (a) ☒ Deposited with the superior court clerk the approximate cost of preparing the transcript by including the deposit with this notice as provided in rule 8.130(b)(1).
- (b) ☐ Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).
- (c) ☐ Attached the reporter's written waiver of a deposit under rule 8.130(b)(3)(A) for (*check either (i) or (ii)*):
- (i) ☐ all of the designated proceedings.
- (ii) ☐ part of the designated proceedings.
- (d) ☐ Attached a certified transcript under rule 8.130(b)(3)(C).
- (2) ☐ An agreed statement. (*Check and complete either (a) or (b) below.*)
- (a) ☐ I have attached an agreed statement to this notice.
- (b) ☐ All the parties have stipulated (agreed) in writing to try to agree on a statement. (*You must attach a copy of this stipulation to this notice.*) I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.
- (3) ☐ A settled statement under rule 8.137. (*You must check (a), (b), or (c) below, and fill out the settled statement section (item 6) on page 4.*)
- (a) ☐ The oral proceedings in the superior court were not reported by a court reporter.
- (b) ☐ The oral proceedings in the superior court were reported by a court reporter, but I have an order waiving fees and costs.
- (c) ☐ I am asking to use a settled statement for reasons other than those listed in (a) or (b). (*You must serve and file the motion required under rule 8.137(b) at the same time that you file this form. You may use form APP-025 to prepare the motion.*)

3. **RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE COURT OF APPEAL**

- ☐ I request that the clerk transmit to the Court of Appeal under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court (*give the title and date or dates of the administrative proceeding*):

Title of Administrative Proceeding	Date or Dates
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4. **NOTICE DESIGNATING CLERK'S TRANSCRIPT**

(*You must complete this section if you checked item 1a above indicating that you choose to use a clerk's transcript as the record of the documents filed in the superior court.*)

- a. **Required documents.** The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed, or if that is not available, the date the document was signed.

Document Title and Description	Date of Filing
(1) Notice of appeal	02/01/2023
(2) Notice designating record on appeal (<i>this document</i>)	04/07/2023
(3) Judgment or order appealed from	12/02/2022
(4) Notice of entry of judgment (<i>if any</i>)	12/14/2022
(5) Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (<i>if any</i>)	
(6) Ruling on one or more of the items listed in (5)	
(7) Register of actions or docket (<i>if any</i>)	04/07/2023

CASE NAME: VAGO v. KLEIN	SUPERIOR COURT CASE NUMBER: 20STCV25050
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4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

- b. **Additional documents.** (If you want any documents from the superior court proceeding in addition to the items listed in 4a. above to be included in the clerk's transcript, you must identify those documents here.)

☒ I request that the clerk include in the transcript the following documents that were filed in the superior court proceeding. (You must identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed.)

	Document Title and Description	Date of Filing
(8)	[See Attachment 4.b]	
(9)		
(10)		
(11)		

☒ See additional pages. (Check here if you need more space to list additional documents. List these documents on a separate page or pages labeled "Attachment 4b," and start with number (12).)

c. **Exhibits to be included in clerk's transcript**

☐ I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court. (For each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence. If the superior court has returned a designated exhibit to a party, the party in possession of the exhibit must deliver it to the superior court clerk within 10 days after service of this notice designating the record. (Rule 8.122(a)(3).))

	Exhibit Number	Description	Admitted (Yes/No)
(1)			
(2)			
(3)			
(4)			

☐ See additional pages. (Check here if you need more space to list additional exhibits. List these exhibits on a separate page or pages labeled "Attachment 4c," and start with number (5).)

5. NOTICE DESIGNATING REPORTER'S TRANSCRIPT

You must complete both a and b in this section if you checked item 2b(1) above indicating that you choose to use a reporter's transcript as the record of the oral proceedings in the superior court. Please remember that you must pay for the cost of preparing the reporter's transcript.

a. **Format of the reporter's transcript**

I request that the reporters provide (check one):

- (1) ☒ My copy of the reporter's transcript in electronic format.
- (2) ☐ My copy of the reporter's transcript in paper format.
- (3) ☐ My copy of the reporter's transcript in electronic format and a second copy in paper format.

(Code Civ. Proc., § 271.)

CASE NAME: VAGO v. KLEIN	SUPERIOR COURT CASE NUMBER: 20STCV25050
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5. b. **Proceedings**

I request that the following proceedings in the superior court be included in the reporter's transcript. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)

Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. prepared?
(1) 07/11/2022	14	Partial	FSC; Hearing on Ex Parte App.	Heather Pitvorec CSR#10551	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(2) 07/25/2022	14	Unknown	Jury Trial	Unknown	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(3) 08/15/2022	14	Partial	Final Status Conference	Ryan Wheeler CSR#13717	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(4) 08/31/2022	14	Partial	Jury Trial (held/cont'd. to 09/01/22)	Kristy Hicks CSR#13634	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

☒ See additional pages. (Check here if you need more space to list additional proceedings. List these exhibits on a separate page or pages labeled "Attachment 5b," and start with number (5).)

6. **NOTICE DESIGNATING PROCEEDINGS TO BE INCLUDED IN SETTLED STATEMENT**

(You must complete this section if you checked item 2b(3) above indicating you choose to use a settled statement.) I request that the following proceedings in the superior court be included in the settled statement. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)

Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. prepared?
(1)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(2)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(3)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(4)					<input type="checkbox"/> Yes <input type="checkbox"/> No

☐ See additional pages. (Check here if you need more space to list additional proceedings. List these proceedings on a separate page or pages labeled "Attachment 6," and start with number (5).)

7. a. The proceedings designated in 5b or 6 ☒ include ☐ do not include all of the testimony in the superior court.

b. If the designated proceedings DO NOT include all of the testimony, state the points that you intend to raise on appeal. (Rule 8.130(a)(2) and rule 8.137(d)(1) provide that your appeal will be limited to these points unless the Court of Appeal permits otherwise.) Points are set forth: ☐ Below ☐ On a separate page labeled "Attachment 7."

Date: April 7, 2023

Eric J. Olson

(TYPE OR PRINT NAME)

/s/Eric J. Olson

(SIGNATURE OF APPELLANT OR ATTORNEY)

Erica Vago et al. v. Leslie Klein et al.
(Los Angeles County Superior Court, Case No. 20STCV25050)

Attachment to 4.b. of Appellant's Notice Designating Record on Appeal

Tab	Document Title and Description	Date of Filing
8	All Minute Orders	--
9	Judgment on Special Verdict filed by Plaintiffs Joseph Vago and Erica Vago	12/02/2023
10	Notice of Stay of Proceedings (Bankruptcy) filed by Defendant Leslie Klein	02/22/2023
11	Notice of Filing of Notice of Appeal	02/06/2023
12	Notice of Appeal/Cross Appeal (with Proof of Service) filed by Defendants/Appellants Leslie Klein and Les Klein & Associates, Inc.	02/01/2023
13	Notice of Entry of Judgment filed by Plaintiffs Joseph Vago and Erica Vago	12/14/2022
14	Judgment on Special Verdict filed by Plaintiffs Joseph Vago and Erica Vago	12/02/2022
15	Notice of Rejection of Pleadings	11/17/2022
16	Response to Kleins' Objections re: Proposed Judgment on Special Verdict filed by Plaintiffs Joseph Vago and Erica Vago	11/17/2022
17	Court's Order for Motion for Prejudgment interest hearing held November 10, 2022	11/16/2022
18	Objection to Proposed Judgment on Special Verdict to Proposed Judgment on Special Verdict filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	11/16/2022
19	Reply In Support of Plaintiffs Motion for Award of Prejudgment Interest; Declaration of Brian Procel filed by Plaintiffs Joseph Vago and Erica Vago	11/03/2022
20	Opposition to Motion for Award of Prejudgment Interest filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	10/26/2022
21	Motion re: Award of Prejudgment Interest; Declaration of Brian Procel filed by Plaintiffs Joseph Vago and Erica Vago	10/18/2022
22	Jury Instructions (Punitive Damages)	09/26/2022
23	Jury Instructions	09/26/2022
24	Special Verdict Joseph Vago (form Punitive Damages – Joseph Vago)	09/16/2022
25	Special Verdict (form punitive Damages - Erica Vago)	09/16/2022
26	Special Verdict as to Joseph Vago	09/15/2022
27	Special Verdict as to Erica Vago	09/15/2022
28	Jury Question	09/14/2022
29	Jury Question	09/14/2022
30	Exhibit List (Stipulated Joint Exhibit List filed by Plaintiffs Joseph Vago and Erica Vago)	09/14/2022

Tab	Document Title and Description	Date of Filing
31	Jury Question	09/09/2022
32	Jury Question	09/09/2022
33	Jury Question	09/09/2022
34	Jury Question	09/08/2022
35	Jury Question	09/08/2022
36	Jury Question	09/08/2022
37	Jury Question	09/08/2022
38	Jury Question	09/08/2022
39	Jury Question	09/08/2022
40	Jury Question	09/08/2022
41	Jury Question	09/08/2022
42	Motion in Limine No. 5 to Exclude "State of Mind" Evidence Offered by Klein filed by Plaintiffs Joseph Vago and Erica Vago	08/31/2022
43	Motion in Limine No. 4 to Admit Evidence of Prior Acts Under Evidence Code Sections 1101(b) and 1105 filed by Plaintiffs Joseph Vago and Erica Vago	08/31/2022
44	Trial Brief No. 1 Addressing Lack of Standing of Plaintiffs and Requirement of Probate of Estate of Robert Schweitzer, Deceased filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	08/30/2022
45	Defendants' [Proposed] Jury Instructions filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	08/30/2022
46	Plaintiffs' Consolidated Reply in Support of Motion in Limine Nos. 1-3; Declaration of Brian Procel filed by Plaintiffs Joseph Vago and Erica Vago	08/29/2022
47	Request for Dismissal filed by Plaintiffs Joseph Vago and Erica Vago	08/25/2022
48	Opposition to Motion in Limine No. 1 filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	08/25/2022
49	Opposition to Motion in Limine No. 2 filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	08/25/2022
50	Opposition to Motion in Limine No. 3 filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	08/25/2022
51	Notice of Ruling filed by Plaintiffs Joseph Vago and Erica Vago	08/17/2022
52	Joint Exhibit List filed by Plaintiffs Joseph Vago and Erica Vago	08/12/2022
53	Joint Witness List filed by Plaintiffs Joseph Vago and Erica Vago	08/12/2022
54	Exhibit List filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	08/12/2022
55	Notice of Motion in Limine No. 1 filed by Plaintiffs Joseph Vago and Erica Vago	08/10/2022

Tab	Document Title and Description	Date of Filing
56	Notice of Motion in Limine No. 2 filed by Plaintiffs Joseph Vago and Erica Vago	08/10/2022
57	Motion in Limine No. 3 to Exclude Undisclosed Witnesses and Documents filed by Plaintiffs Joseph Vago and Erica Vago	08/10/2022
58	Witness List filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	07/27/2022
59	Notice of Ruling filed by Plaintiffs Joseph Vago and Erica Vago	07/14/2022
60	Opposition to Klein's Ex Parte Application to Continue Trial; Declaration of Brian Procel filed by Plaintiffs Joseph Vago and Erica Vago	07/11/2022
61	Court's Order for Motion to Intervene and Notice of Related Case	07/06/2022
62	Exhibit List filed by Plaintiffs Joseph Vago and Erica Vago	07/06/2022
63	Motion in Limine No. 2 to Exclude Evidence that Schweitzer Concealed Money in His Divorce filed by Plaintiffs Joseph Vago and Erica Vago	07/06/2022
64	Motion in Limine No. 1 to Exclude Evidence that Plaintiffs are Not Entitled to the Money at Issue filed by Plaintiffs Joseph Vago and Erica Vago	07/06/2022
65	Declaration re Notice of Ex Parte Application of Defendants to Continue Trial Date and Extend Motion Cut-Off Date filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	07/06/2022
66	Ex Parte Application for an Order (1) Continuing the Trial and (2) Extending the Motion Cutoff Date; Memorandum of Points and Authorities; Declaration of Jeffrey A. Slott In Support Thereof filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	07/06/2022
67	Objection of Defendants Leslie Klein and Les Klein and Associates, Inc. to Notice to Produce Documents at Trial filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	07/05/2022
68	Notice of Related Case filed by Non-Party Harry Baldinger	06/03/2022
69	Request for Dismissal filed by Plaintiff Joseph Vago and Erica Vago	06/01/2022
70	Court's Order for Motion for Sanctions hearing held May 24, 2022	05/25/2022
71	Notice of Lodging (of [Proposed] Complaint in Intervention) filed by Non-Party Harry Baldinger	05/20/2022
72	Notice Re: Continuance of Hearing and Order	05/17/2022
73	Notice of Advanced Hearing filed by Defendant Kenneth Kolev Klein	05/12/2022
74	Notice Re: Continuance of Hearing and Order	05/04/2022
75	Notice of Ruling filed by Defendant Kenneth Kolev Klein	04/26/2022
76	Notice of Ruling filed by Plaintiffs Joseph Vago and Erica Vago	01/24/2022
77	Court's Order for Motions to Compel hearing held on November 2, 2021	11/04/2021
78	Notice of Continuance of Motion to Quash filed by Plaintiffs Joseph Vago and Erica Vago	07/14/2021

Tab	Document Title and Description	Date of Filing
79	Answer filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	05/10/2021
80	Answer filed by Defendant Kenneth Kolev Klein	05/05/2021
81	Third Amended Complaint filed by Plaintiffs Joseph Vago and Erica Vago	04/08/2021
82	Court Order for Demurrer and Motion to Strike hearing held on March 24, 2021	03/29/2021
83	Defendants Reply in Support of Demurrer filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	03/17/2021
84	Opposition to Leslie Klein and Les Klein and Associates' Demurrer (03/24/2021) filed by Plaintiffs Joseph Vago and Erica Vago	03/11/2021
85	Joinder to Motion to Demurrer and Motion to Strike filed by Defendant Kenneth Kolev Klein	02/08/2021
86	Demurrer with Motion to Strike (CCP 430.10) filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	02/08/2021
87	Declaration of Demurring or Moving Party Regarding Meet and Confer filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	02/08/2021
88	Demurrer with Motion to Strike (CCP 430.10) filed by Defendants Leslie Klein and Les Klein & Associates, Inc.	02/08/2021
89	Second Amended Complaint filed by Plaintiffs Joseph Vago and Erica Vago	01/07/2021
90	Request for Dismissal filed by Plaintiffs Joseph Vago and Erica Vago	11/17/2020
91	Answer filed by Defendants Kenneth Kolev Klein and Law Office of Kenneth Klein, P.C.	09/29/2020
92	First Amended Complaint filed by Plaintiffs Joseph Vago and Erica Vago	07/09/2020
93	Complaint filed by Plaintiffs Joseph Vago and Erica Vago	07/01/2020

Erica Vago et al. v. Leslie Klein et al.
(Los Angeles County Superior Court, Case No. 20STCV25050)

Attachment to 5.b. of Appellant's Notice Designating Record on Appeal

No.	Date	Dept.	Full/Partial Day	Description	Reporter's Name/CSR #	Previously Prepared?
(5)	08/29/2022	14	Partial	Jury Trial (held)	Kristy Hicks CSR#13634	Yes
(6)	09/01/2022	14	Partial	Jury Trial (held/cont'd. to 09/02/22)	Kristy Hicks CSR#13634	No
(7)	09/02/2022	14	Partial	Jury Trial (held/cont'd. to 09/06/22)	Kristy Hicks CSR#13634	No
(8)	09/06/2022	14	Full	Jury Trial (held/cont'd. to 09/07/22)	Kristy Hicks CSR#13634 AM/ Ronald Cook CSR#13928 PM	No
(9)	09/07/2022	14	Unknown	Jury Trial (held/cont'd. to 09/08/22)	Kristy Hicks CSR#13634	No
(10)	09/08/2022	14	Full	Jury Trial (held/cont'd. to 09/09/22)	Kristy Hicks CSR#13634	Yes
(11)	09/09/2022	14	Unknown	Jury Trial (held/cont'd. to 09/12/22)	Ronald Cook CSR#13928	No
(12)	09/12/2022	14	Unknown	Jury Trial (held/cont'd. to 09/13/22)	Kristy Hicks CSR#13634	No
(13)	09/13/2022	14	Unknown	Jury Trial (held/cont'd. to 09/14/22)	Ronald Cook CSR#13928	No
(14)	09/14/2022	14	Full	Jury Trial (held/cont'd. to 09/15/22)	Kristy Hicks CSR#13634	No
(15)	09/15/2022	14	Full	Jury Trial (held/cont'd. to 09/16/22)	Kristy Hicks CSR#13634	No
(16)	09/16/2022	14	Unknown	Jury Trial (held)	Kristy Hicks CSR#13634	No
(17)	11/10/2022	14	Partial	Hearing on Motion	Jennifer Craig CSR#11094	No

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 17701 Cowan, Bldg. D., Suite 210, Irvine, CA 92614

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF BRIAN PROCEL IN SUPPORT OF MOTION FOR ORDER DISMISSING DEBTOR'S CHAPTER 11 BANKRUPTCY CASE** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) April 24, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) April 24, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL

(*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) April 24, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

- The Honorable Sandra R. Klein, USBC, 255 E. Temple Street, Ctrm 1575, Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 24, 2023
Date

Susan C. Stein
Printed Name

/s/Susan C. Stein
Signature

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Mailing Information for Case 2:23-bk-10990-SK

Electronic Mail Notice List

The following is the list of parties who are currently on the list to receive email notice/service for this case.

- Reem J Bello rbello@goeforlaw.com, kmurphy@goeforlaw.com
- Michael Jay Berger michael.berger@bankruptcypower.com, yathida.nipha@bankruptcypower.com; michael.berger@ecf.inforuptcy.com
- Greg P Campbell ch11ecf@aldridgepite.com, gc@ecf.inforuptcy.com; gcampbell@aldridgepite.com
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- Clarisse Young youngshumaker@smcounsel.com, levern@smcounsel.com
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In re Leslie Klein
2:23-bk-10990-SK

Debtor
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Los Angeles, CA 90004-1042

United States Trustee (LA)
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Los Angeles, CA 90017-3560

Trustee
Mark M Sharf (TR)
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Los Angeles, CA 90045-1540

Debtor's Counsel
Michael Jay Berger
9454 Wilshire Blvd, 6th Fl
Beverly Hills, CA 90212-2980

CREDITORS

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Dallas, TX 75267-3033

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CCO Mortgage Corp
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Glen Allen, VA 23059-4577

California Bank & Trust
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Santee, CA 92072-1510

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Monroe, LA 71203-4774

Chase Doe
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Los Angeles, CA 90036-3028

Chase Mortgage
BK Department / Mail Code LA4 5555
700 Kansas Lane
Monroe, LA 71203

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St Louis, MO 63179-0034

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Erica and Joseph Vago
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~~Sherman Oaks, CA 91423~~
RTS 04-15-2023

Fay Servicing LLC
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Dallas, TX 75381-4609

Fiore Racobs and Powers
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Clarisse Young Shumaker
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Beverly Hills, CA 90212-3908

Franklin H. Menlo Irrevocable Trust
c/o Wilkie Farr & Gallagher LLP
Attn: Alex M Weingarten, Esq.
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Los Angeles, CA 90067-3020

Franklin H. Menlo, Trustee
Paul P Young
c/o Chora Young & Manasser
650 Sierra Madre Villa Ave, Ste 304
Pasadena, CA 91107-2071

Gestetner Charitable Remainder Trust
c/o Andor Gestatner
1425 55th Street
Brooklyn, NY 11219

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

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s/b/m/t Chase Bank USA, N.A.
c/o National Bankruptcy Services LLC
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Addison, TX 75001-9013

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Jeffrey Siegel, Successor Trustee
Of the Hubert Scott Trust
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Toyota Financial Services
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Plano, TX 75025-9001

Toyota Lease Trust
c/o Toyota Motor Credit Corporation
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Addison, TX 75001-9013

Wilmington Savings Fund Society, FSB
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US Bank Trust, N.A., et al.
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